

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**McCABE, WEISBERG & CONWAY, P.C.**

**By: Alexandra T. Garcia, Esquire (ATG4688)**

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Attorneys for Movant: Bayview Loan Servicing, LLC.



Order Filed on November 4,  
2016 by Clerk U.S. Bankruptcy  
Court District of New Jersey

In re:

Douglas B. Gustavsen and  
Kristina M. Gustavsen *aka*  
Kristina M. Falkenstein  
Debtors

Case No.: 12-29905

Chapter 13

Judge: Jerrold N. Poslusny, Jr.

### **ORDER APPROVING LOAN MODIFICATION**

The relief set forth on the following pages, number two (2) through two (2) is hereby

**ORDERED**

**DATED: November 4, 2016**

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

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Debtor: Douglas B. Gustavsen and Kristina M. Gustavsen

Case No: 12-29905

Caption of Order: ORDER APPROVING LOAN MODIFICATION

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Upon the motion of **Bayview Loan Servicing, LLC (“Bayview”)**, for approval of a loan modification, and for good cause shown, it is

**ORDERED** that Bayview’s Motion to Approve Loan Modification is hereby **GRANTED**; and it is further

**ORDERED** that in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Bayview shall withdraw the claim without prejudice or amend the arrearage portion of its Proof of Claim to zero within thirty (30) days of completion of the loan modification; and it is further

**ORDERED** that Debtors shall file a Modified Chapter 13 Plan and Amended Schedule J within 20 days of the Loan Modification being finalized; and it is further

**ORDERED** that the Chapter 13 Trustee shall suspend disbursements to Bayview pending completion of the loan modification and all money that would otherwise be paid to Bayview be held until the claim is withdrawn or amended or the Trustee is notified by Bayview that the modification was not consummated; and it is further

**ORDERED** that in the event the loan modification is not consummated, Bayview shall notify the Trustee and Debtors’ attorney of same. Any money that was held by the Trustee pending the completion of the modification shall be paid to Bayview; and it is further

**ORDERED** that in the event the Proof of Claim is withdrawn or amended, the Trustee may disburse the funds being held pursuant to this Order to other creditors in accordance with the provisions of the confirmed plan; and it is further

**ORDERED** that approval and recording (if applicable) of the loan modification shall in no way constitute a violation of the automatic stay; and it is further

**ORDERED** that Bayview shall be awarded \$650.00 attorneys fees for filing this motion to be paid through the Debtor’s Chapter 13 Plan.